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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventeenth session

SUMMARY RECORD (PARTIAL)* OF THE 428th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 January 1998, at 10.00 a.m.

Chairperson: Miss MASON

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GE.98-15012 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mrs. ROBINSON (High Commissioner for Human Rights) said that 1998 was the fiftieth anniversary of the Universal Declaration of Human Rights. To honour that great event in a truly fitting manner, the international community must redouble its efforts to make human rights a worldwide reality, prevent human rights abuses and violations, and build a global partnership to ensure that human rights, along with peace, democracy and sustainable development, formed the guiding principles of the twenty-first century.

2. It was fitting that her first formal engagement of the new year should be a meeting with the Committee on the Rights of the Child, since the protection of children must be central to the commemorative activities. It was appropriate therefore that the third issue of the Fiftieth Anniversary Information Kit was to focus on the rights of the child. The Kit would contain basic information about the relevant United Nations programmes and the activities planned for 1998 by intergovernmental and non-governmental organizations (NGOs). She invited the Committee to draft a special message for inclusion in the Kit, which was being prepared jointly by her Office and the United Nations Educational, Scientific and Cultural Organization (UNESCO) and would be available by the end of January.

3. The Five-Year Implementation Review of the Vienna Declaration and Programme of Action, also due in 1998, provided a framework for a thorough assessment of the progress made in children's rights. The World Conference on Human Rights had emphasized various aspects of those rights, including special problems relating to the protection of the girl child. In November 1997, she had asked the Committee for its views on the implementation of the Conference's recommendations, being convinced that its comments would greatly enrich the Review and be of considerable assistance in the preparation of the relevant reports.

4. The near-universal ratification of the Convention on the Rights of the Child and the strong reaffirmation of the complementarity and interdependence of human rights in that instrument represented achievements that could be extended and built upon. It was important, however, not to lose sight of the fact that violations of children's rights continued to be widespread. She had herself recently witnessed in the territory of northern Uganda a striking example of the problems that had to be addressed. Particular attention and high priority must therefore continue to be given to the situation of children in especially difficult circumstances, notably victims of sale, sexual exploitation and child labour, and to the special disadvantages affecting the girl child. Her Office would strive hard to address those problems, drawing encouragement from the knowledge that the Committee would continue to pursue its own activities into the twenty-first century.

5. An honest and thorough debate on human rights should take place in 1998 to assist in designing future goals and activities. The inherent meaning of human rights was that they empowered the people who enjoyed them. Many

United Nations programmes - and not only the human rights ones - should be oriented towards giving people the tools they needed to shape their lives according to the highest standards of human dignity.

6. In his July 1997 report entitled "Renewing the United Nations: A Programme for Reform" (A/51/950), the Secretary-General called for the placing of human rights at the centre of United Nations activities. In that context, she attached great importance to cooperation with the United Nations Children's Fund (UNICEF) and other United Nations agencies and programmes with a view to giving a new impetus to the work on behalf of children's rights. Activities under the Plan of Action for the implementation of the Convention strengthened existing potential to develop cooperation with partners both within and outside the United Nations system.

7. Recent decisions, such as that by the International Labour Organization (ILO) to focus on child labour in 1998 and by the United Nations Development Programme (UNDP) to include children as a fundamental target group in its new programme "Human Rights and Sustainable Human Development", exemplified the new approach to the protection of the rights of the child. She welcomed those developments and her Office would be pleased to cooperate closely with the organizations concerned. As the rights of the child were placed higher on the agendas of various agencies and programmes, the Committee's invaluable advice and support would acquire new and practical dimensions.

8. She had noted with pleasure that the "rights of the child approach", which UNICEF had adopted with the Committee's advice and guidance, was being referred to by other agencies, such as UNDP, in connection with the incorporation of human rights into their own activities. She commended the Committee on that contribution and hoped that it would pursue its endeavours to have the promotion and protection of the rights of the child included in the mainstream of system-wide activities.

9. At its fifty-second session, the General Assembly, in its resolution dealing with the rights of the child and the Committee's work, called upon States to take action to ensure that the amendment to the Convention aimed at increasing the membership of the Committee to 18 was adopted as soon as possible. The amendment had so far been accepted by 52 States parties and would enter into force once it had been accepted by 120. She hoped that that target would be achieved in the foreseeable future.

10. The General Assembly also welcomed the increased attention given by the Committee to the equal enjoyment of rights by children with disabilities, expressed its support for the two inter-sessional working groups of the Commission on Human Rights engaged in the drafting of optional protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts, and invited the Committee to cooperate with the Special Representative of the Secretary-General for Children in Armed Conflict.

11. The resolution also referred to refugee and internally displaced children, the exploitation of child labour and the plight of children living and/or working in the streets. She trusted that all those concerns would be addressed during the Committee's current session.

12. In another resolution entitled "The girl child", the General Assembly urged States to take all necessary measures and to institute legal reforms to ensure full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against their violation. It also urged the States parties to fulfil their obligation under the Convention on the Rights of the Child to protect girls from all forms of violence, including domestic violence, sexual trafficking and child prostitution. It encouraged the strengthening of cooperation and coordination to that effect among all treaty bodies and other human rights mechanisms and requested them regularly and systematically to adopt a gender perspective in the implementation of their mandates.

13. The working groups on the drafting of the optional protocols to the Convention would be meeting at Geneva in the coming weeks. The Committee might wish, as in the past, to contribute to their activities in the form of an oral or written statement.

14. In conclusion, she reiterated her strong personal interest in promoting and safeguarding the rights of the child and in the Committee's very important activities in support of those objectives. Her Office would be as supportive as possible of the Committee's work and she would pay close attention to the proceedings of its current session. Furthermore, she hoped to meet the individual members of the Committee on a more personal and informal basis.

15. The CHAIRPERSON, having given the members of the Committee the opportunity to introduce themselves in turn to the High Commissioner, asked whether any of them had a specific question or comment.

16. Mrs. PALME said she noted that the Committee had not yet worked out a strategy for cooperating with the Special Representative of the Secretary-General for Children in Armed Conflict, a matter that should be addressed during the session.

17. Mr. KOLOSOV said that, while he fully agreed with the High Commissioner regarding the importance of international cooperation in the field of children's rights, he felt that the primary responsibility for the success of the Convention lay with the States parties. It might be useful, therefore, if the High Commissioner's statement were circulated to all the States parties, inviting them to take special measures to promote children's rights in 1998.

18. He could understand that the draft protocol concerning children in armed conflicts might have to be optional, because certain States were not in a position to amend their legislation; he failed to see, however, how a protocol on the sale of children, child prostitution and child pornography could possibly be optional. Such a protocol might actually be a retrograde step in relation to the non-derogable status of the rights contained in the Convention.

19. Mrs. ROBINSON (High Commissioner for Human Rights), having urged the Committee to discuss at its current session, future contacts with the Special Representative of the Secretary-General for Children in Armed Conflict, said that she fully agreed with Mr. Kolosov regarding the obligations of the States

parties. That was why she had emphasized the importance of the forthcoming Review of the Vienna Declaration and Programme of Action. In that connection, she would be happy to have her statement widely circulated.

20. She also appreciated Mr. Kolosov's views concerning the optional protocols. The Committee was well placed to insist that support for the rights of the child must be strengthened by any new instrument rather than diluted.

21. The CHAIRPERSON said that the Committee was very pleased that the third issue of the Fiftieth Anniversary Information Kit was to focus on the rights of the child. It had taken due note of the points made in the statement by the High Commissioner and assured her of its full support in her own work and that of her Office to promote and protect the rights of the child.

22. Mrs. ROBINSON (High Commissioner for Human Rights) said that she hoped gradually to devise a formula that would allow her to interact with the Committee on an ongoing basis.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

23. The CHAIRPERSON said that the delegation of the Republic of Maldives, which had been scheduled to attend the Committee's current meeting to discuss the Maldive's initial report, had unfortunately not appeared and no message had been received to account for its absence. She hoped that a formal communication regarding the State party's intentions would be received in due course.

24. The Committee was well aware that the dispatch of a delegation to Geneva imposed a heavy financial burden on small developing countries. It should try to devise ways of considering a report when it was not economically possible for a State party to be represented.

25. Mrs. PALME said she noted that the Committee had sent its list of issues to the State party. She wondered what the appropriate procedure would be if a written response were received to that communication.

26. The CHAIRPERSON said that the Committee might, in such a case, form an opinion on the basis of all the information available and prepare preliminary conclusions and recommendations.

27. Mr. KOLOSOV said that the Committee could usefully proceed with its consideration of the report of the Maldives despite the absence of representatives of the State party concerned. The participation of such representatives should be encouraged but not regarded as essential to the procedure, especially since individual civil servants were unlikely to hold the same office in five years' time. Supplementary written information supplied by the Government was hardly likely to alter the thrust of the Committee's concluding observations, which did not differ greatly from country to country. More important than the presence of representatives was the need to ensure that the Committee's comments reached the highest possible levels of national authority.

28. Mrs. KARP recalled that, in the case of the former Yugoslavia, the Committee had decided that a report might be considered in the absence of the country's representatives, as long as they had been invited to attend. The length of time that individual members of a delegation might retain their posts did not constitute an issue. The dialogue with representatives served an important function, since officials frequently made concrete commitments on behalf of their countries. Moreover, in cases where the Committee had difficulty in maintaining contact with the country concerned, and where follow-up to recommendations could not be monitored, such dialogue was better able to provide direction to a Government than written recommendations. The Maldives should be informed that the Committee was considering examining its initial report but would prefer to do so in the presence of its representatives.

29. The CHAIRPERSON said that the initial report of the Maldives was not sufficiently comprehensive to enable the Committee to proceed in the absence of supplementary information from its Government. There was a need for further discussion on the approach to be adopted in such cases, especially when a country's scarce funds might better be used to promote the rights of children at home rather than to fund a costly trip to Geneva.

30. Although a precedent for considering a country report in the absence of a State party's representatives did indeed exist, the situation in the former Yugoslavia had been somewhat different.

OTHER MATTERS (agenda item 8)

Activities of Committee members since the previous session

31. Mrs. KARP said that she had represented the Committee at a seminar on corporal punishment held under the auspices of the European Union on 19 October 1997. She had also been a member of an Expert Group on cooperation for technical assistance, organized by the United Nations Commission on Crime Prevention and Criminal Justice (6 to 11 November 1997), which had discussed plans for the establishment of a coordination board for technical assistance in accordance with a recent decision of the Third Committee of the General Assembly. As yet, the Committee on the Rights of the Child possessed no system for coordinating international cooperation or for monitoring the follow-up to its recommendations concerning technical assistance.

32. The Expert Group had come up with the idea of preparing a "kit" on technical assistance with the help of Defence for Children International (DCI), UNICEF and other major actors in the field. The kit would be sent together with the list of issues to countries interested in receiving technical assistance. It would also be made available to the relevant NGOs, which would be able to discuss opportunities with DCI Geneva.

33. If the Committee recommended technical assistance, a meeting would be convened at the country level with the participation of UNICEF and other partners to discuss practicalities and identify specific funds, thus ensuring real follow-up and cooperation in the provision of technical assistance to specific countries.

34. Mr. KOLOSOV drew the Committee's attention to issue number 158 of the UNESCO Journal which was devoted to the fiftieth anniversary of the Universal Declaration of Human Rights. He had been asked to contribute an article on the most vulnerable population groups, and had used the opportunity to focus on the rights of the child.

35. Mrs. MBOI said that she had helped organize a study seeking to eliminate child labour in Indonesia as part of a plan of action with specific time limits. Workshops involving the Government, business community and other players were to be convened shortly. A study of child prostitution had also been initiated with the cooperation of academics and NGOs.

36. The fact that she was the first Indonesian member of the Committee had generated media interest and she had taken the opportunity to improve awareness of the Covenant in the country. Meetings had been held at the national level with a view to evaluating the implementation of the Covenant, and a working dialogue had been achieved between the Government, NGOs and civil society. She had also taken part in discussions on the possibility of establishing an ombudsman in Indonesia and had lobbied for the establishment of a working group on law reform to harmonize national legislation with the provisions of the Covenant.

37. In view of the fact that World Aids Day would be focusing on children, she had also taken the opportunity, as a member of the national Working Group on AIDS, to emphasize the importance of protecting children's rights in the context of AIDS.

38. Mrs. MOKHUANE said that she had been a member of a delegation to South Africa which had sought to make the Committee's expectations known to the steering committee for South Africa's country report, and to clarify the provisions of the Covenant in language understandable to all. The strengths and weaknesses of the report had been discussed, with a view to its improvement. UNICEF Kenya and UNICEF New York had participated in the workshop, as had the relevant South African NGOs.

39. Mrs. OUEDRAOGO said that she had attended a conference in Indiana organized by United States NGOs, its objective being to accelerate ratification of the Covenant by the Congress of the United States. The obstacles to ratification had been examined and students had asked a number of practical questions. She had outlined the work of the Committee, especially with regard to the examination of country reports and the role of NGOs, and had commented on such issues as violence in schools, on the streets and at home, problems with parents and juvenile delinquency.

40. In her capacity as a government representative, she had also attended the Third Committee of the General Assembly at which promotion and protection of the rights of the child had been raised and a resolution on the girl child adopted. A draft resolution on traditional practices had also been presented to the Third Committee for the first time. The delegation of Denmark had directed the informal negotiations on that draft, and a personal account of the physical and psychological trauma suffered as a result of such practices by a young woman from Sierra Leone had helped to mobilize a number of sponsors.

41. A problem had arisen regarding the part of the draft resolution on the rights of the child (A/C.3/52/L.25) dealing with armed conflict. An amendment proposed by the United States delegation had threatened to upset the consensus already reached on the issues of the social and humanitarian implications of sanctions, their adverse effects on children, and the minimum age for recruitment into the armed forces. Fortunately, however, the delegation in question had withdrawn its proposed amendment in the interests of preserving the consensus.

42. Lastly, she had had the opportunity to accompany the Chairperson of the Committee on the two-day visit to United Nations Headquarters in New York organized by UNICEF and the Permanent Mission of Italy in Geneva.

43. Mrs. PALME said that, in October 1997, she had visited Belfast, at the invitation of the Youth Council of Northern Ireland, to address a meeting called "Generation 2000" on the Convention and on possible changes thereto. In particular, she had spoken on the World Congress against Commercial Sexual Exploitation of Children (Stockholm, 27-31 August 1996) as an aspect of the implementation of the Convention, and on the question of children in armed conflicts and the consequences of and recommendations in the Graça Machel study. In the context of possibilities for change, she had also examined the question of child labour.

44. In November 1997 she had visited Yokohama at the invitation of Public Service International, a union representing some 20 million public and private sector community workers, and had again spoken on the topic of child labour, with particular reference to the recently published Oslo Conference report.

45. She had also attended an extremely interesting workshop on juvenile justice held at Dhaka, Bangladesh, and had had the opportunity to visit Bangladesh's only juvenile court and sole children's prison, and to see for herself the very difficult conditions to which children were subjected in the capital. She was continuing her work with the Bangladeshi authorities, but what they saw as positive change often appeared somewhat outdated when viewed from the perspective of the Committee.

46. Lastly, in her own country, she had been involved in the preparations for the forthcoming summit meeting of the 10 Baltic Sea States whose organizers hoped to use the summit as an opportunity to follow up the theme of the World Congress against Commercial Sexual Exploitation of Children.

47. Mrs. KARP said that she had been involved in two domestic events in Israel: the establishment of a group of experts on the harmonization of Israeli legislation concerning children with the provisions of the Convention and the establishment of a follow-up group of experts on the situation regarding the commercial sexual exploitation of children in Israel. An earlier group of experts had produced a voluminous report on the subject, containing recommendations addressed to various ministries and departments, which was currently being discussed by five parliamentary committees. The task of the follow-up group was to monitor the implementation of those recommendations by the ministerial departments concerned.

48. The CHAIRPERSON said that, thanks to Mr. Fulci's efforts, a two-day visit to United Nations Headquarters in New York by herself, Mr. Fulci and Mrs. Ouedraogo had been arranged, at which she had spoken to the Secretary-General and the President of the General Assembly and had addressed the Third Committee. The topics discussed had included support for the Convention on the Rights of the Child, for the Committee, and for the meeting of persons chairing the human rights treaty bodies; as well as support by those bodies for the reform process launched by the Secretary-General.

49. In the course of the discussions, the three Committee members had welcomed the fact that the reform programme stressed the need for human rights to cut across all substantive fields of United Nations activity. Mention had also been made of the opportunities the process provided for reforming the working methods of the treaty bodies so as to make the monitoring system more meaningful.

50. Reference had been made to the annual meeting of chairpersons, and the hope had been expressed that the Secretary-General would be able to meet those persons. Mention had also been made of the request that an additional meeting should be held in February 1998, to continue the work that it had not been possible to complete in a single annual meeting.

51. On the question of universal ratification of the Convention, she had asked the Secretary-General to use his good offices to remind States of their obligations in respect of the implementation of the Convention and of the possibility of receiving assistance.

52. Mention had also been made of the amendment to the Convention proposed by Costa Rica, whereby membership of the Committee would be increased from 10 to 18 - a proposal to which the Secretary-General had seemed receptive. In that connection, she noted that, since her visit to New York, acceptances had risen from about 25 to 52.

53. A press conference had also been held, and had served its purpose of raising the Committee's profile within the United Nations system. The three Committee members had given an account of the Committee's work, and of its perception of its responsibilities. A reference to "near-universal" ratification of the Convention had been seized upon by the press, and had provided an opportunity to lobby in support of ratification by the United States of America.

54. The Committee members had met UNICEF officials on two occasions. At meetings with Mr. Lewis, Deputy Executive Director, and with Mrs. Santos Pais, Director of Evaluation, Planning and Policy, the question of cooperation between UNICEF and the Committee had again been raised, and gratitude had been expressed for past UNICEF support and for the commitment to the Convention expressed in its Mission Statement. She had also raised the question of field visits by Committee members, and of how best to ensure that such visits could continue in the face of prevailing financial constraints.

55. Lastly, she had delivered a statement to the Third Committee, the text of which could be made available to members if required. She had requested the Third Committee and the other committees of the General Assembly to place the rights of the child permanently on their agendas, as a means of furthering the Committee's work.

56. All in all, the visit had been a most fruitful one, particularly in raising the Committee's profile in New York, a seat of the United Nations that often attracted more media attention than Geneva.

The discussion covered in the summary record ended at 11.45 a.m.